UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ALAN N. SCHWARTZ AND THOMAS D. THEISEN

MAILED

Appeal No. 98-2031 Application 08/794,154¹ SEP 25 1998

PAT. & T.M. OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES

ORDER REMANDING TO EXAMINER

A Reply Brief (Paper No. 24) was filed March 2, 1998 in response to the Examiner's Answer (Paper No. 20) dated December 30, 1997. However, there is no indication in the record whether or not the examiner has responded to the Reply Brief (Paper No. 24). Section 1208.04 of the Manual of Patent Examining Procedure (MPEP) (6th Ed., Rev. 3, July 1997) states:

[t]he examiner <u>must</u> notify appellant of consideration of the reply brief, e.g., by using form paragraph 12.47 (underlining ours).

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¹ Application for patent filed February 3, 1997. According to applicants, the application is a continuation of Application 08/377,257, filed January 23, 1995.

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The current record requires action by the examiner.

Accordingly, it is

ORDERED that the application is remanded to the examiner for proper response to the Reply Brief (Paper No. 24) filed March 2, 1998.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS AND INTERFERENCES

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MERRELL C. CASHION,

Program and Resource Administrator

(703) 305-9797

MCC:svt

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CHRISTENSEN O'CONNOR JOHNSON & KINDNESS 1420 Fifth Avenue Suite 2800 Seattle, Washington 98101